

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 11/26/2018

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JOHN NYPL, et al.,

Plaintiffs,

-against-

JP MORGAN CHASE & CO., et al.,

Defendants.

-----X  
LORNA G. SCHOFIELD, District Judge:


15 Civ. 9300 (LGS)

ORDER

WHEREAS, Wells Fargo filed a letter objecting to the Court's Order compelling Mr. Fowles' deposition and production of documents. For substantially the reasons stated in the letter, it is hereby

**ORDERED** that the Court's Order compelling Mr. Fowles' deposition and production of documents (Dkt. No. 382) is rescinded. Federal Rule of Civil Procedure 45(d)(2)(B) provides that the serving party may move "the court for the district where compliance is required" for an order compelling production. In this case, the appropriate district to bring a motion to compel is the Northern District of California. Although Rule 45(d)(2)(B) does not expressly address testimonial discovery, courts in this Circuit have held that the same rule applies to orders compelling attendance at a deposition. *E.g., Madigan v. Bronstein*, 18 Misc. 61, 2018 WL 1768283, at \*3 (S.D.N.Y. Apr. 12, 2018).

Dated: November 26, 2018  
New York, New York



LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE